IMT Nuremberg Archives

H – 3726

International Court of Justice

D 649.

H3726 - 0002

A F F I D A V I T

I, RICHARD ARTHUR LORAINE HILLARD, Barrister-at-Law, make oath and say as follows :-

1. I was the Judge Advocate at the trial of Obersturmbannfuhrer Hans Wilhelm BLOMBERG, Obersturmbannfuhrer Hans KELLER, Obersturmfuhrer Georg Ludwig Werner OPPEL, Understurmfuhrer Alfred KREUTZ, Obersturmfuhrer Erwin LANG, Rudolf Hermann Theodor KAPP, Willi Friedrick Reindhold TIEGE, Oberscharfuhrer George EBERL, Hauptscharfuhrer Friedrich Wilhelm EISENACHER, Obersturmfuhrer George MULLER, and Oberscharfuhrer SCHMIDT, by a Military Court held at the Law Courts, Oslo, Norway, which sat on Thursday, 29th November, 1945, and concluded its sittings on Tuesday, 4th December, 1945.

2. The Court was convened by order of Major-General D.A.H. Graham, CB,CBE, DSO, MC, Commander, British Land Forces, Norway, and the President of the Court was Major-General C.H. Miller, CB, CBE, DSO. The prosecution was conducted by Major E. Steel, Legal Staff Officer, Deputy Judge Advocate General's Office, Oslo, and the accused were defended by a serving British officer.

3. The accused were charged with Committing a War Crime, in that they at Ulven, Norway, in or about the month of July, 1943, in violation of the laws and usages of war, were concerned in the killing of Lt. A.H. Andresen, Petty Officer B. Kleppe, Leading Stoker A. Bigseth, Able Seaman J. Klipper, Able Seaman G.B. Hansen, and Able Seaman K. Hals, Royal Norwegian Navy, and Leading Telegraphist R. Hull, Royal Navy, prisoners-of-war.

4. There was evidence before the Court which was not challenged by the defence that Motor Torpedo Boat No. 345 set out from Lerwick in the Shetlands on a naval operation for the purpose of making torpedo attacks on German shipping off the Norwegian coast, and for the purpose of laying mines in the same area. The persons mentioned in the charge were all the crew of the Torpedo Boat.

5. The defence did not challenge that each member of the crew was wearing uniform at the time of capture and there was abundant evidence from many persons, several of whom were German, that they were wearing uniform at all times after their capture.

6. On 27th July, 1943, the Torpedo Boat reached the island of Aspo off the Norwegian coast, north of Bergen. On the following day the whole of the crew were captured and were taken on board a German naval vessel which was under the command of Admiral von Schrader, the Admiral of the west coast. The crew were taken to the Bergenhus where they had arrived by 11 p.m. on 28th July. The crew were there interrogated by Leut. H.P.K.W. Fanger, a Naval Leutnant of the Reserve, on the orders of Korvettenkapitan Egon Drascher, both of the German Naval Intelligence Service. This interrogation was carried out upon the orders of the staff of the Admiral of the west coast. Leut. Fanger reported to the Officer in charge of the Intelligence Branch at Bergen that in his opinion all the members of the crew were entitled to be treated as prisoners-of-war, and that officer in turn reported both orally and in writing to the Sea Commander, Bergen,and in writing to the Admiral of the west coast.

7. The interrogation by the Naval Intelligence Branch was concluded in the early hours of 29th July, and almost immediately all the members of the crew were handed over on the immediate orders of the Sea Commander, Bergen, to Obersturmbannfuhrer of the SD. Hans Wilhelm Blomberg, who was at that time Kommandeur of the Sicherheitspolizei at Bergen. This followed a meeting between Blomberg and Admiral von Schrader, at which a copy of the Fuhrer order of the 18th October, 1942, was shown to Blomberg. This order dealt with the classes of persons who were to be excluded from the protection of the Geneva Convention and were not to be treated as prisoners-of-war, but when captured were to be handed over to the SD. Admiral von Schrader told Blomberg that the crew of this Torpedo Boat were to be handed over in accordance with the

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GB Exhibit 208
Filed Jan 15, 1946

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Fuhrer order, to the SD.

9. The SD then conducted their own interrogation which lasted the greater part of the 29th July. The official of the SD who carried out this interrogation stated at the trial that after the interrogation he was of the opinion that the members of the crew were entitled to be treated as prisoners-of-war, and that he so informed his superior officer. Despite this report and the representations of a superior officer, the crew were dealt with under the Fuhrer order and were executed. The execution was carried out early the next morning, each of the members of the crew being taken to a rifle range adjoining a concentration camp and there shot, one by one, by an execution squad composed of members of the SD.

10. Orders were asked for as to how the bodies should be disposed of, and the officer in charge of the execution party was ordered to dispose of the bodies secretly "in the usual way". He accordingly carried out this order by attaching a charge to each body and exploding it when the body was in the water.

11. It appeared from the evidence that in March or April, 1945, an order from the Fuhrer Headquarters, signed by Keitel, was transmitted to the German authorities in Norway. The substance of the order was that members of the crew of commando raids who fell into German captivity were from that date to be treated as ordinary prisoners-of-war. This order referred specifically to the Fuhrer order referred to above.

SWORN by the said RICHARD ARTHUR LORAINE HILLARD at 6 Spring Gardens in the City of Westminster this 28th day of December, 1945,

R.A.L. Hillard

Before me

A Commissioner for Oaths.

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